

-6-

REMARKS

This Amendment is in response to the Office Action dated April 5, 2006. In the Office Action, claims 1 and 3-24 were rejected. With this Amendment, claims 1, 14-16 and 23 are amended and claims 13 and 24 are canceled. It is respectfully submitted that pending claims 1, 3-12 and 14-23 are in condition for allowance.

Claims 1, 3-8, 10-14, 17, 18, 20 and 23-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Proctor (U.S. Patent No. 6,614, 349) in view of Bohmer (U.S. Patent No. 5,130,658). Independent claim 1 has been amended to incorporate features of dependent claim 13. Accordingly, claim 13 is canceled. Independent claim 23 has been amended to incorporate features of dependent claim 24. It is respectfully submitted that Independent claims 1, 17 and 23 are allowable over the cited references.

The cited references fail to teach or suggest all of the claim elements of independent claims 1 and 23. The Examiner states that "Proctor discloses a processing circuitry 20, 22 and an external receiver (figure 1)" on page five of the latest Office Action. However, as further claimed in amended claim 1 (formerly features of claim 13), "the external receiver of the transmitter is configured to receive a theft signal transmitted from the battery tester if the battery tester is outside the perimeter defined by the security signal." Although Proctor discloses a controller 54 in asset 26 as being able to report an identifying number, an asset level, software revision level and hardware revision level to the central system (see col. 2, lines 54-67), neither of the cited references disclose receipt of a theft signal from a battery tester if the tester is outside the perimeter defined by a security signal. Although Proctor also discloses each asset sending a reply upon being polled (see col. 3, lines 24-35), neither of the cited references disclose receipt of a theft signal from a battery tester if the tester is outside the perimeter defined by a security signal. Claims 1 and 23 are allowable over the cited references. Furthermore, Applicant respectfully submits that claims 3-8, 10-12 and 14 are also in allowable form at least based on their relation to claim 1.

The cited reference fail to teach or suggest all of the claim elements of independent claim 17. The Examiner points to col. 2, lines 54-67, col. 3, lines 25-65 and col. 4, lines 35-58 in Proctor as disclosing that the asset can disable itself "if the asset at least partially passes through the perimeter." However, Proctor does not describe "passing partially through a perimeter signal" as claimed in claim 7 to disable an asset. Instead, Proctor describes the asset being disabled if it is taken out of an authorized

-7-

area (see col. 2, lines 59-60 and col. 3, lines 45-50). Claim 17 is allowable over the cited references. Furthermore, Applicant respectfully submits that claims 18 and 20 are also in allowable form at least based on their relation to claim 17.

Claims 9, 16, 19 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Proctor in view of Bohmer and further in view of Page (US 6,542,080). Claims 9, 16, 19 and 22 are in allowable form at least based on their relation to allowable claims 1 and 17.

Claims 15 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Proctor in view of Bohmer and further in view of D'Angelo (U.S. 6,265,974). Claims 15 and 21 are in allowable form at least based on their relation to allowable claims 1 and 17. Furthermore, the cited references also fail to teach processing circuitry having "a memory, wherein the processing circuitry is configured to record information related to the transmitted theft signal to the memory" as claimed in claims 15 and 21. Although D'Angelo et al. teaches a microprocessor that accesses programming instructions stored in firmware (see col. 7, lines 54-67) that is stored in a memory, none of the cited references teach a memory where processing circuitry is configured to record information related to the transmitted theft signal as claimed in claim in claims 15 and 21. It is respectfully submitted that claims 15 and 21 are allowable over the cited references.

It is respectfully submitted that claims 1 and 3-12 and 14-23 are in condition for allowance. Favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Learnie R. Taveggia, Reg. No. 53,675
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3244
Phone: (612) 334-3222
Fax: (612) 334-3312

LRT/jme